

FIRST REGULAR SESSION

[P E R F E C T E D]

# SENATE BILL NO. 433

94TH GENERAL ASSEMBLY

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INTRODUCED BY SENATORS CALLAHAN AND RUPP.

Read 1st time February 5, 2007, and ordered printed.

Read 2nd time February 7, 2007, and referred to the Committee on Pensions, Veterans' Affairs and General Laws.

Reported from the Committee March 15, 2007, with recommendation that the bill do pass.

Taken up for Perfection April 10, 2007. Bill declared Perfected and Ordered Printed.

TERRY L. SPIELER, Secretary.

1804S.01P

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## AN ACT

To repeal section 288.042, RSMo, and to enact in lieu thereof one new section relating to veterans' unemployment compensation.

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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Section 288.042, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 288.042, to read as follows:

288.042. 1. For purposes of this [chapter] **section**, a "war on terror veteran" is a [person] **Missouri resident** who serves or has served in the military and to whom the following criteria apply:

(1) The person is or was a member of the **Missouri** national guard or a member of a United States armed forces reserves unit **who was officially domiciled in the state of Missouri immediately prior to deployment;**

(2) The person was deployed as part of his or her military unit at any time after September 11, 2001, and such deployment caused the person to be unable to continue working for his or her employer;

(3) The person was employed either part time or full time before deployment; and

(4) **A Missouri court or United States district court located in Missouri has found that** the person was [unemployed in] **discharged from or laid off from** his or her nonmilitary employment [either] during **deployment** or within thirty days after the completion of his or her deployment.

2. Notwithstanding any provisions of sections 288.010 to 288.500, any war

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

17 on terror veteran shall be entitled to receive **veterans'** unemployment  
18 compensation benefits under this [chapter] **section**. A war on terror veteran  
19 shall be entitled to a [maximum] weekly benefit **amount** of eight percent of the  
20 wages paid to the war on terror veteran during that **calendar** quarter during  
21 which the war on terror veteran earned the highest amount within the five  
22 **completed calendar** quarters during which the war on terror veteran received  
23 wages **immediately** before deployment. The maximum amount of a [maximum]  
24 weekly benefit **amount** shall be one thousand one hundred fifty-three dollars and  
25 sixty-four cents[, annually adjusted by the consumer price index].

26 3. A war on terror veteran shall be entitled to a [maximum] weekly  
27 benefit **amount** for twenty-six weeks. **The division may collect erroneously**  
28 **paid benefits in the manner provided in sections 288.160 and 288.170.**

29 4. Any employer who is found in any Missouri court or United States  
30 district court located in Missouri to have terminated, demoted, or taken an  
31 adverse employment action against a war on terror veteran due to his or her  
32 absence while deployed shall be subject to an administrative penalty in the  
33 amount of [twenty-five] **thirty-five** thousand dollars. The director **of the**  
34 **division of employment security** shall take judicial notice of judgments in  
35 suits brought under the Uniformed Service Employment and Reemployment  
36 Rights Act (38 U.S.C. 4301). Such judgments may be considered to have a res  
37 judicata effect on the director's determination. **The administrative penalty**  
38 **shall be collectible in the manner provided in sections 288.160 and**  
39 **288.170.**

40 5. A war on terror veteran shall [not] be considered to have [voluntarily  
41 quit] **been discharged from** his or her employment if he or she is not offered  
42 the same wages, benefits, and similar work schedule upon his or her return after  
43 deployment.

44 6. There is hereby created in the state treasury the "War on Terror  
45 Unemployment Compensation Fund", which shall consist of money collected under  
46 this section **and such other state funds appropriated by the general**  
47 **assembly**. The state treasurer shall be custodian of the fund and shall approve  
48 disbursements from the fund in accordance with sections 30.170 and 30.180,  
49 RSMo. Upon appropriation, money in the fund shall be used solely for the  
50 administration, **including payment of benefits and refunds**, of this  
51 section. Notwithstanding the provisions of section 33.080, RSMo, to the contrary,  
52 any moneys remaining in the fund at the end of the biennium shall not revert to

53 the credit of the general revenue fund. The state treasurer shall invest moneys  
54 in the fund in the same manner as other funds are invested. Any interest and  
55 money earned on such investments shall be credited to the fund.

56 7. The division of employment security may promulgate rules to enforce  
57 this section. Any rule or portion of a rule, as that term is defined in section  
58 536.010, RSMo, that is created under the authority delegated in this section shall  
59 become effective only if it complies with and is subject to all of the provisions of  
60 chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and  
61 chapter 536, RSMo, are nonseverable and if any of the powers vested with the  
62 general assembly pursuant to chapter 536, RSMo, to review, to delay the effective  
63 date, or to disapprove and annul a rule are subsequently held unconstitutional,  
64 then the grant of rulemaking authority and any rule proposed or adopted after  
65 August 28, 2006, shall be invalid and void.

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Bill

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